IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL ST.NO.14603 OF 2006

M/s.Hotel Metro Palace P.Ltd. ...Appellant

Vs.

Municipal Corporation of Greater Bombay ...Respondent

Ms Seema Gupta i/b Mr.A.M.Sarogi for the Appellant
Mr.J.J.Xavier for the Respondent.

CORAM: A.S.OKA, J.
DATED: JULY 25,2006.

P.C.:

1. Affidavit cum Undertaking of one Kailash Thakur, an authorised representative of the Appellant is taken on record and marked 'X' for identification. The Advocate for the Appellant states that the said Kailash Thakur is authorised to file an Affidavit cum undertaking on behalf of the Appellant. Statement is accepted.

2. In the Affidavit it is disclosed that the Appellant desires to withdraw this Appeal unconditionally. The Affidavit also discloses that the Appellant desires to apply for regularisation of the structure which is subject matter of this Appeal.

3. In view of the said Affidavit following order is passed :

i) Appeal is dismissed as withdrawn.

ii) If any application is made by the Appellant to the concerned Authority of the Respondent-Corporation for regularisation of the suit structure within a period of eight weeks from today, the same shall be decided by the concerned Authority of the Respondent-Corporation within a period of eight weeks from the date of receipt of the said application.

iii) The Respondent-Corporation will communicate the decision to the Appellant within a period of one week from the date of decision at the address of the Appellant mentioned in the cause title of the Appeal.

iv) If the Application is made by the Appellant for regularisation of the suit structure within stipulated period to the Respondent-Corporation, both the parties will maintain status quo as of today in respect of the suit structure for a period of twenty two weeks from today. However, if application for regularisation is not filed within stipulated period, the Respondent-Corporation will be free to take action of demolition.

v) Parties to act upon an authenticated copy of this order.

Judge.